

PROB 12C  
(5/00)

**UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF TEXAS**

**UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
ENTERED**

**JUL 07 2005**

**Superseding Petition for Offender Under Supervision**

**MICHAEL N. MILBY, CLERK OF COURT**

Name of Offender: Daniel Ray Ramirez Case Number: 6:98CR00031-001  
Name of Sentencing Judge: The Honorable John D. Rainey  
Date of Original Sentence: January 29, 1999  
Original Offense: Distribution of Approximately .52 Grams of Cocaine Base  
Original Sentence: 24 Months BOP, 3 Years Supervised Release.  
Type of Supervision: Supervised Release Supervision Started: May 28, 2004  
Assistant U.S. Attorney: Timothy G.E. Hammer Defense Attorney: Curtis B. Dyer

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**PREVIOUS COURT ACTION**

On October 27, 2003, a Probation Form 12C was submitted to the Court, alleging that Daniel Ray Ramirez, possessed and used marijuana, violated the drug treatment program's rules and regulations, failed to abide by the drug treatment program's rules and regulations, and failed to notify the United States Probation Officer of an arrest within 72 hours. The Court ordered the issuance of a warrant and Ramirez was arrested on December 1, 2003.

Daniel Ray Ramirez, appeared before the Court for a revocation hearing on March 1, 2004. The supervised release term was revoked and he was sentenced to 6 months in the BOP and 30 months supervised release. A special condition was that Ramirez participate in an inpatient drug treatment program for up to 120 days and in an outpatient drug treatment program thereafter.

On June 9, 2004, a Probation Form 12A was submitted to the Court alleging that Daniel Ray Ramirez on or about June 1, 2004, possessed and used cocaine. The Court elected not to take any action and allowed the defendant to continue participating in the drug treatment program. Further, the Court reserved the right to consider the violation at a later date should other violations occur.

On February 24, 2005, a Probation Form 12C was submitted to the Court alleging that Daniel Ray Ramirez on or about June 1, 2004, possessed and used cocaine, and that on or about August 20, 2004, committed the law violations of possession of a firearm by a convicted felon, possession with intent to distribute a controlled substance, and possession of a firearm in furtherance of a drug trafficking crime.

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Ramirez, Daniel Ray

Dkt. No. 6:98CR00031-001

### PETITIONING THE COURT

**To hear the original allegations as well as the updated allegations contained within this superseding petition at the revocation hearing scheduled for August 8, 2005.**

The probation officer believes that the offender has violated the following conditions of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

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| <b>1</b> | <b>Law Violation - Possession And Use Of Controlled Substance</b> |
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On or about June 1, 2004, in Victoria, Texas, Daniel Ray Ramirez possessed and used cocaine, a controlled substance not prescribed by a physician, as evidenced by a urine specimen submitted by him to U.S. Probation Officer Stan Ruta on the above mentioned date, such specimen tested positive for the above identified controlled substance through laboratory analysis. The possession alleged above is a violation of 21 U.S.C. § 844.

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| <b>2</b> | <b>Law Violation - Possession of a Firearm by a Convicted Felon</b> |
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On or about August 20, 2004, in Victoria, Texas, Daniel Ray Ramirez having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, to wit: a S & W, .357 caliber revolver, serial number 21506765, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

**Details:** On August 20, 2004, officers of the Victoria Police Department executed three felony warrants charging the defendant with aggravated assault, and one charging aggravated kidnapping at the defendant's residence, 3401 E. Rio Grande, Victoria, Texas. When Detective Tom Copeland knocked on the door of the residence, Daniel Ray Ramirez answered the door pointing a .357 caliber revolver at Det. Copeland. Det. Copeland pointed his weapon at Ramirez and Ramirez attempted to close the door. However, Det. Copeland kicked the door open and Ramirez threw the revolver down on the floor and he was arrested. The defendant's girlfriend then led the officers to some crack cocaine in the defendant's bedroom. The crack cocaine had a net weight of 11.4 grams.

On September 16, 2004, the defendant was indicted in the United States District Court, Southern District of Texas, Victoria Division in Docket No. V-04-82. Ramirez appeared for arraignment on April 11, 2005, and entered a plea of guilt to counts 1, 2, and 3 of the indictment. Sentencing is set for August 8, 2005, at 2:00 p.m.

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| <b>3</b> | <b>Law Violation - Possession with Intent to Distribute a Controlled Substance</b> |
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On or about August 20, 2004, in Victoria, Texas, Daniel Ray Ramirez did knowingly and intentionally possess with intent to distribute a controlled substance, to wit: approximately eleven grams of a mixture or substance containing a cocaine base (also known as crack cocaine), in violation of 21 U.S.C. §841(a)(1) and 841(b)(1)(B).

**Details:** See details in violation no. 2.

Ramirez, Daniel Ray

Dkt. No. 6:98CR00031-001

**4 Law Violation - Possession of a Firearm in Furtherance of a Drug Trafficking Crime**

On or about August 20, 2004, in Victoria, Texas, Daniel Ray Ramirez did knowingly possess a firearm, namely a S & W, .357 caliber revolver, serial number 21506765, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is in possession with intent to distribute a controlled substance, to wit: approximately eleven grams of a mixture or substance containing a cocaine base (also known as crack cocaine), in violation of 18 U.S.C. §924(c)(1)(A)(i).

**Details:** See details in violation no. 2.

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be  
    ☒ revoked.  
    ☐ extended for years, for a total term of years.
- ☐ The conditions of supervision should be modified:

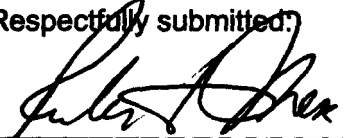
I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:

  
James Martinez, Supervising  
U.S. Probation Officer

by

Respectfully submitted:

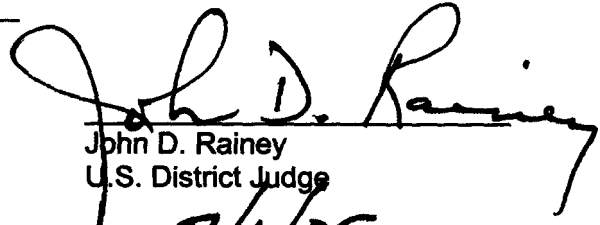
  
Ruben F. Mesa  
U.S. Probation Officer  
June 28, 2005

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THE COURT ORDERS:

- ☒ That the original allegations as well as the updated allegations contained within this superseding petition be heard at the revocation hearing scheduled for August 8, 2005.

☐ Other \_\_\_\_\_

  
John D. Rainey  
U.S. District Judge  
7/6/05  
Date